Previous references.
LR 179-99-1900
Jan 12-09-
2-08
6-08

1910-11

(Gen Misc)

File No. 25-10
16
Serial Nos. 2/032

Later references.
CB 99-1842 9+10.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B. for March 1911.

SUBJECT.

Confirmation of Mr S. Shamaiena
Prob. Asst Comr as Asst Comr 5th class

R 2] From the Comptr & Govt No. R41. of 30-7-10. For an application of Mr S. Shamaiena Prob Asst Comr praying for confirmation from 14-12-09 or 23-5-10 the date of the last Obligatory Exam.

R 32] To the Comptr, of Accts & Secs of Govs No 5 5705-5-12 of 7-3-11. No dipcos the rules regulating Confirmation of Probs Asst Comrs. ~~Mr Shamaiena~~

R 16] To the Compiler Mg. No 2785 of 10-11-10. Dispatch Station cancelled confirming Mr S Shamaiena as Asst Comr 5th class from 23rd May 1910.
G. R. S. 58

To the Comptr No 2786 of 10-11-10. For copy of the above.

G.R.S. 11] 1910-11

GENERAL AND REVENUE SECRETARIAT.

(Gen- Risc.)

NOTES.

File No. 25

FILE HEADING.

Appointments and promotions of Assistant Commissioners.

From

The Comptroller to Govt.

Memo No. R-41 Dated 30-7. / 1-8. 1910 Received 3-8-1910

Diary No. 551 | Enclos. 1 | Spare Copies - | Serial No. 2.

BRIEF ABSTRACT OF LETTER.

Forwards an application from Mr. S. Shamanna, Prob Asst. Comr., praying for confirmation with effect from the 14th Decr. 1909 or, if that is not possible in view of his not having fully qualified himself for confirmation within the 2 years of probationary service, at least with effect from the 23rd. May 1910, the date of the last of the obligatory examinations attended by him

NOTES AND ORDERS.

T Under G.O. No 16651/Risc. 3175 dt. 28-6-1909 when a batch of Prob Asst Comrs are appointed on one and the same date their confirmation if they are qualified should have effect from the end of a year calculated from the date of their appointment. The period

Notes—First sheet

GPB—30,000—3-4-07.

G. R. S. 12]
General and Revenue Secretariat.

fm File No. 25 of 1910-11

Serial No.

of probation for persons admitted into the Mysore Civil Service by Competition being ~~two~~ two years under the new Civil Service Rules the confirmation of a Prob. Asst Comr should now be fixed at the end of two years from the date of his appointment, on the principle of the order of 28th June 1899, provided that he qualifies himself by passing all the prescribed tests within this period. ~~This principle does~~ This is the principle that has been followed in confirming the Prob. Asst. Comrs appointed under the new Civil Service Rules.

Para VII of Fin. No fm 1206-68 Z

x

~~Applying these principles etc~~

2. On the above principle Mr. Shamanna's confirmation should date from the 14th Decr 1909. When his probationary period terminated. But he was not fully qualified by that date having had Civil II Examination yet to pass, which he did only in May 1910. Mr Shamanna having failed to qualify himself fully at the first opportunity open to him, his confirmation should strictly be regulated by G.O. No 2951-9/R-958 d. 9. 10. 1900. In applying this order to his case it will have to be read thus — "xxx those that qualify themselves

W

NOTE—Contn. sheet.

GPB—55,000—27.4.09

G. R. S. 12]
General and Revenue Secretariat.

for File No. 25 of 190-11

Serial No.

as aforesaid at the ~~Second~~ Second or third opportunity will be Confirmed with effect from three or four years, as the case may be, from the date of their appointment", the probationary period being now two years and not one year as it was when the order was passed. The result would be very prejudicial to the Officer. Reference is in this connection invited to Mr. Chandy's Memo d. 6th July 1899 urging very much the same reasons as Mr. Shamanna has done now for his confirmation as Asst. Comr. being given effect to under the ordinary rules irrespective of the time taken for passing the prescribed tests.

It will be observed that in the case of Mr. Chandy his confirmation was at first ordered to date from the 23rd. Novr 1896 the date on which the Criminal Exam'n ~~was held~~ for which he applied for the Second time was held. [This was subsequently changed to 27-7-1896 in accordance with the principle laid down in the G.O. of 9-10-1900.]

Mr. Shamanna also requests that he may be Confirmed with effect from the date on which he Sat for the Civil II

† Not Correct only three years allowed.

V

W

NOTE—Contn. sheet.

GPB—55,000—27.4.09

G. R. S. 12]
General and Revenue Secretariat.

fm File No. 25 of 190-11

Serial No.	
57	Examination for the second time, if his prayer that he may be confirmed from the 14th Decr 1909 cannot be granted. There are no precedents to support the latter request; and the arguments advanced by the officer in support of it do not appear to be convincing.
	3. Information as regards the character of his probationary service will have to be obtained from the several officers under whom he was deputed to serve during the probationary period, if the periodical confidential reports received in the Council Section are considered to be not sufficient.
	8-8-10 VS
	Mr Khanna's arguments go over many of the grounds which have been dealt with and decided by Govt on previous occasions and it is needless to go into them now. The Standing Order regulating the confirmation of Pro. Asst Surs is that contained in the G.O. of 9th Oct. 1900, and no discussion can be entered into which goes behind the directions contained therein. It has however to be noticed that the conditions

NOTE—Contn. sheet.

GPB—55,000—27.4.09

Serial No.

re periods of probation, time & chances allowed for qualifying &c, which existed at the time of that G.O. have now been changed, and it is therefore necessary to revise that G.O. now suitably. But there is no doubt that the principles therein enunciated are still applicable and have been applied in all cases up to date. The Rules, as applied to existing cases would be to the following effect:-

"Pro. Asst. Comrs. who qualify themselves fully by completing the prescribed tests within the period of two years will be confirmed as Asst. Comrs. 4th class, with effect from two years calculated from the date of their appts, and similarly those that qualify themselves before the 3rd year will be confirmed with effect from three years from the date of their appts."

There can be no doubt that Mr. S. is not entitled to confirmation from December 09, as, at the time, he was not fully qualified. No questions can arise as to the number of opportunities he had for qualifying himself, though Mr. S lays much stress on the fact that on the analogy of the G.O. condition cont'd

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

in the G.O. of 1900, which laid down that if the exam^n happened to fall within 6 months from the date of appt., such first opportunity would not be taken into account against the Confirmation of the probationer, the 2nd opportunity in his case which fell within 1 year + 6 months should not ~~prejudice~~ affect him prejudically. But the probationary period being, under the G.O. of 27th June 07, fixed at 2 years, every Probationer has two opportunities ~~chances~~ for fully qualifying himself, though, no doubt, one of them may fall within less than a year from the date of his appointment. If, therefore, he still fails to qualify himself he is bound to wait for confirmation till the end of the 3rd year, notwithstanding that he may possibly have qualified himself at the third opportunity, a few months before the expiry of the 3rd year.

6 Coming to consider the dates in Mr. Sharmanna's case in detail, it is found that, having been appointed Probationer in December 1907, he had two opportunities in November 08 + May 09 in which to pass the Revenue, Criminal, + Civil P^ts I + II & Reg^n Exam^n, besides an additional ~~+ one~~ opportunity in Augt 08 to pass the Registration Exam^n. Owing to the change of date of the Exam^n from Nov^r

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

to May, with effect from the year 1909, he had only 1 year & 5 months within which to completely qualify himself. The same is the case with all the other Pro. Asstt Comms whose appointment begins in the months of December, and if it is considered that ~~1 year~~ two opportunities for passing the required exams, one occurring 5 months after apptt and the other a year after the first, are not sufficient, a rule will have to be passed ~~also~~ granting the concession of a third opportunity to entitle the probationer to confirmation at the end of two years' probationary period.

one occurring 11 months after the other 6 months after the other 1 year

Under the existing rules, however, it seems that Mr S. has to wait for confirmation till the end of the 3rd year, as he was not fully qualified at the end of the 2nd, and no intermediate period between these two is recognized. His prayer that he may at least be confirmed from May 1910, when he completed the exams, is not supported by any rule or precedent, and the arguments adduced by him in support thereof are not —

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

551

commencing,

8 It has however to be noticed that a decision that Mr. S. is entitled to be confirmed only at the end of the 3rd year will affect his position in the Civil List materially in one respect. The two Probs Asst Commrs immediately under him having been appointed a few days earlier in Dec 08 than Mr. S. was in Dec 07, they will be entitled to confirmation a few days earlier than Mr. S, should they completely qualify themselves by the end of their second year*. This would be obviously unfair to Mr. S, particularly as he has qualified himself either earlier than or along with his two juniors. As this complication has occurred owing to the change of date of the Exam. in 1909, it may be specially ordered that in the event of the three Probs being confirmed together, Mr. Shamanna's seniority should be maintained.

Secretary) 22/8/10.

9 There is little to add to the remarks in the above note. Mr. Shamanna would have had

* Note. It is ascertained that they have actually so qualified themselves, having passed all the prescribed exams in 1 year & 5 months from date of appts.

Serial No.

[as has been the case with the Probationers appointed in Jan. 10]

(not counting the special exam. in Sept 08)

a good case if the first examination after his appointment occurred within 6 months of his appointment*, but as a matter of fact the first exam+ fell in Nov 08 & 11 months after his appointment & he passed in Civil I., Criminal & Rev^e. Six months afterwards in May 09 he appeared in Civil Part II but was unsuccessful. It will be seen that he had a fairly long time to prepare for the examinations & he is himself to blame for not passing the exams in Nov^r 08 & May 09. The order of 1909 considered 6 mths quite sufficient to prepare for the exams & Mr Shamanna had that interval between the exams in Nov 08 & May 09.

10 Strictly speaking therefore Mr Shamanna is entitled to confirmation only from the 14th Dec 1910 & he must also lose his ~~relative~~ rank relative to messrs ~~Ram~~ Anantaraman & Ramanathan who ~~not~~ become entitled under

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

the rules to confirmation from an earlier date in Dec^r 1910.

11 If, however, any concession is considered to be warranted Mr Shamanna may be confirmed with effect from the 23 May 10, the date of the examination in Civil Part II. This will be a concession pure & simple & care will have to be taken that it does not form a precedent.

H Dept 226
7694
3.9.10

AB
1/9/10

12 Dewan

Please request Sir Geo. to favour his opinion on this case & circulate & Council with it

Secy

Stal
mr
17/9/10

AB
17/9/10

Subs
DM
1-7/9/10

H Dept 220

mr
17/9/10

13 Under the rules as they stand there is no help but to make Mr Shamanna wait till Dec^r 10 for confirmation. But that need not necessarily make him lose his seniority

NOTE—Contn. sheet.

GPB—55,000—27.4.09

G. R. S. 12]
General and Revenue Secretariat.

Q/Misc File No. 25 of 1910

Serial No.

13/

The deferring of the confirmation of one Wickrema is hard & would make him lose his seniority & order the three probationers may all be confirmed at one time & Shamanna retaining his place since he has passed his examinations not later than the others (Asst Secy) 19/9/10

14 A. Mr Shamanna is being required by Govt to pass some addl departmental exams. (the Govt of India Smaller Hist exams), he may, as a set off, be shown the consideration referred to in the last para of Asst Secy's note above viz. confirmation as a special case with effect from 23rd May 1910. JR 19/9/10

branch V) 19.9.10

Secretary) 20.9.10

~~To Council Section (Draft Letter)~~

15

Circulate

CSB 21/9/10. m

16 The order marked V d. 9.10.1900 not having been passed under the present rules, does not apply to this case; and when analogically extended

NOTE—Contn. sheet.

GPB—55,000—27.4.09

Serial No.

are to not bound to apply it literally
Mr. Lamanna may be confirmed
from the date of the last exam^n,
23 May 1910. His argument that
he shd be confirmed from the ex-
piry of 2 yrs of appt is quite un-
tenable.

25/9/10

17 I do not see any particular propriety in
the Rule of 1900. If a candidate is suc-
cessful within the period of grace in
two examinations after the probationary
period, I think he may be confir-
med from the date of exam^n, and
that the Rule may be now laid down
to this effect.

25/9/10

18

9.28
28.9.10 Mr Shanmuna may be confirmed
with effect from 23rd May 1910
the date on which he sat for the
Examination.

19 The G. of 9.10. 1900 does not
apply to this case, having been
passed under the old rules —

NOTE—Contn. sheet.

GPB—55,000—27-4-08

G. R. S. 12]
General and Revenue Secretariat.

Fm File No. 25 of 190-11

(13

Serial No.

Even if applied, it does not help the Probationer.

RM
28/9/10.

8154
29.9.10

Dewan)

COR
28/9/10

(7 D

NOTE—Contn. sheet.

GPB—55,000—27-4-09

C. 76
23.9.10

14

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Question of the ~~Date from which Mr.~~ Confirmation of Mr
S. Shamanna, Probationary Asstt. Commr:
~~is entitled to be confirmed~~ as an Asstt.
Commr: 5th class.

CIRCULATED TO COUNCILLORS.

By Order,

23 d Sept 1910.

C S Balasundaramayya
Secretary to Government.

K. P. Puttanna Chetty, Esq.,
First Councillor

C.30 H. V. Nanjundayya, Esq., M.A., M.L.,
Second Councillor.

GPB—500—7-1-10

15

G.R.S. 15]

Facing sheet for Cases included in the schedule appended to Notification No. 36 of the 8th Aug. 1902.

GENERAL AND REVENUE SECRETARIAT

SUBJECT Confirmation of question of the ~~date from which~~ Mr S. Shanmuna ~~is~~ entitled ~~to be confirmed~~ as an Asst: Com: 5th class.

	Date	Initial of Officer himself or responsible Deputy
Received in the Secretariat	3. 8. 1910.	
Submitted to Secretary	22. 8. 10.	
Submitted by Secretary to Dewan ~~or Councillor in charge~~	1. 9. 10.	
Returned to Secretary	16. 9. 10.	
" from Fin. Sec:	20. 9. 10.	
Circulated by Secretary for Council ...	23. 9. 10.	
Forwarded by 2d Councillor		
Forwarded by Councillor		
Received in Secretariat		
Considered in Council		
Submitted to the Dewan		
Submitted to His Highness		
Orders passed by His Highness		
Final Orders issued		
Circulated to Councillors		
Passed on by the Councillor ...		
Returned to Secretary by Councillor ...		

GBPM—8-6-1910—300

Submitted to His Highness.

20. Mr. S. Shamanna B.A., was appointed Probationary Assistant Commissioner, Schedule A, in Notification dated the 14th December 1907 and joined the service on the 19th idem. If he had passed all the Local Service tests within two years he would, under the existing rules and practice, have been entitled to confirmation from the 14th December 1909, but at the end of the 2 years he had yet the Civil, Part II, Examination to pass. This he passed at the last Local Service Examination held in May 1910, and the question is with effect from what date he should be confirmed as Assistant Commissioner.

21. Under Para VII of the Civil Service Rules of the 27th June 1907, "a probationer failing to pass by the end of the 2 years of probation will be allowed a further year's grace", but the rules do not say from what date the officer concerned would be confirmed in such a case if he qualified himself fully during the course of third year. Under the old Civil Service rules where the period of probation was one year, and the pro-

probationer was given one year's grace on full pay, and a further year's grace on half pay, the rule was as follows:-

"Probationary Assistant Commissioners who qualify themselves fully by completing the prescribed tests at the first opportunity open to them for doing so(such opportunity not being less than six months from the date of their appointment) will be confirmed as Assistant Commissioners 4th class, with effect from one year calculated from the date of their appointment; and similarly those that qualify themselves as aforesaid at the second or third opportunity will be confirmed with effect from two or three years as the case may be from the date of their appointment". (Government order No.2951-9/R.958, dated 9th October 1900).

22. In the case of Mr. Shamanna the application of this rule will be as follows:-

Date of appointment - 14th December 1907.

Date of joining - 19th December 1907.

Special Examination in Registration held in - August 1908.

Ordinary Local Service Examinations held in - November 1908 i.e. 11 months after his appintment. This must therefore be regarded as the first opportunity open to him.

The second opportunity came in May 1909 when the next annual local service examinations were held.

He completed all the tests at the third opportunity which came in - May 1910.

The date of confirmation should therefore be three years from the date of appointment that is to say 14th December 1910.

"Paper under disposal" 23. Mr. Shamanna, however, in his application dated 25th July 1910 urges that he may be confirmed with effect from the 14th December 1909. His reasons are that the rule which gives a year's grace to the Probationer who fails to pass within 2 years does not attach any penalty for failure to pass within the 2 years, and that in his case the second opportunity to appear for the examinations came 17 months after the date of his appointment, i.e. 7 months before the completion of the probationary period. On the analogy of the rule of 1900 which omitted out of account an examination that was held within 6 months from the date of appointment he argues that an examination held in less than 18 months from the date of appointment should not be taken into account as the second opportunity he had of passing. He wants the examination held in May 1910 to be regarded as the second opportunity he had of completing the tests, so that he may be confirmed with effect from the 14th December 1909. If this cannot be done he asks

that he may be confirmed at least with effect from the 23rd May 1910, the date of the last of the obligatory examinations attended by him.

24. The case has been discussed at length in Mr. Shamanna's application itself and in the office notes on the file, with the result that all are agreed that Mr. Shamanna is not entitled to confirmation from the 14th December 1909 as claimed by him. An examination occurring within 6 months after the date of appointment had necessarily to be not taken into account under the old rules, as six months would be insufficient to pass all the tests, viz. Revenue, Criminal, Civil Parts I and II. In Mr. Shamanna's case the first examination was held eleven months after appointment, and it cannot be held that this and the next examination held 17 months after appointment did not give him sufficient opportunities to qualify himself. Strictly speaking, therefore, if the case were to be decided on the analogy of the rule of 1900, Mr. Shamanna would be entitled to confirmation only from the 14th December 1910. It has been pointed out, however, that this involves a particular hardship in his case, as it happens that the next batch of probationers were appointed a few days earlier

in December 1908 than Mr. Shamanna's batch was appointed in December 1907 and would therefore be confirmed before 14th December 1910, and thus go over Mr. Shamanna.

25. The Officiating Secretary therefore suggests that Mr. Shamanna may as a special case be confirmed with effect from the 23rd May 1910, the date of the last of the examinations he had to pass. The Financial Secretary supports this special consideration being shown as Mr. Shamanna has to pass some additional examinations (Government of India examinations for Account officers on the enrolled list). Both the Councillors also agree to Mr. Shamanna being confirmed with effect from the 23rd May 1910, which may accordingly be sanctioned.

Page 10 of office note.

Page 11 of — do —.

Page 12 of — do —.

26. Both the Councillors are also of opinion that the order of 1900 quoted in para 2 of this note, having been passed under the old Civil Service Rules, cannot be held to apply under the new rules. The Second Councillor adds that if a candidate fully qualifies himself before the expiry of the period of grace, "he may be confirmed from the date of the examination and that the rule may now be laid down to this effect". This may also be approved.

Page 12 of — do —.

T. Chandrasekhara
28 Dec 23

ku.

HV

Conf. 25 of 1910-11

21.

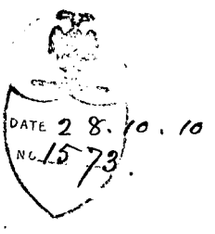
227.

551

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Question of the confirmation of Mr. S. Shamanna, Probationary Assistant Commissioner, as an Assistant Commissioner, 5th class.



No. 269

Order.

27. Approved

~~KRW~~

29/10/10

25. Seen

Thr

30/10/10

29. Put up draft

1/11/10

1/11/10

30. Draft Notification is put up.

G. R. S. 12]
General and Revenue Secretariat.

File No. 25 of 1910-11

Serial No.	
31	Draft ord regarding the modification of the rule laid down in the Govt Res of 9.10.00 is also put up. VS. 9-11-10. (Secretary) 8/11/10
32	Issue note + resubmit in regard to the other draft. Instead of amending the C.S. Rules why not issue this as a separate order. 8/11/10
Office 33	An alternative draft may be put up
16	To the Compiler, Mysore Gazette. No. G. 2785 G. 10 x1/10. Notifies the confirmation of Mr. S Shamanna as an Asst Comr of the 5th class, Schedule A, with effect from the 23rd May 1910.
34	Resubmitted with an alternative draft VS-41 Sf(114) 19-11-10.
35	The ~~original~~ draft first put up may perhaps be considered more suitable as tending towards greater facility of reference in the Rules themselves, and also providing for contingencies which may arise in the application of the Rules. Secretary) 19.11.10.

NOTE—Contn. sheet.

BPG—55,000—27-4-09

Serial No.

The draft order (typed) may be approved. It will be incorporated with the C.S. Rules when the latter are revised, as they will be at an early date.

Dewan

8/12/10

PJ

Attention is invited to rule (b) which ~~with~~ refers to a class of cases that has not been ~~dis~~ specifically discussed in the preceding note. Cases under it are however likely to arise - for instance the last batch of probationers was appointed in Jan[y] 1910 & the I.S. Exams were held in May 10, & it may happen that some ~~of the~~ may not pass all the prescribed exams in the other Exams falling during the period of probation.

In the past the principle has been acted upon, ~~for instance in the~~ in my own case for example. I was appointed in Sept 1897, & the first I.S. Exam[n] after that was held in Nov 1897 & the second in April 1899. I was confirmed from Sept 1898

NOTE—Contn. sheet.

GPB—55,000—27.4.09

G.R.S. 12]
General and Revenue Secretariat.

G. M. File No. 25 of 1910-11.

Serial No.

even though passed the examn held in April 1899

51
9.1.86
8.12.10.

Draft memo herewith
To cancel
29 Dec
CHB
8/12/10

Circulate
CHB
3/1/11

1886
7.1.11

The dept seems allright
may not this be taken into
Considerations when revising
the Civil service rules, now
on hand?
On further Consideration
it seems to me that the
rule regarding the first
opportunity occurring in
less than 6 months is quite
uncalled for - It conceeds
too much - If the young
Competition or nomination
which cannot go up for
his examn in less than 6
months. there is nothing

Serial No.

prevent his giving up for the Examns at the next opportunity - It is nowhere laid down that 2 opportunity should be given. If he should fail in 2 years or 3 years to complete the examination he will have one years grace and he may be confirmed from the date of passing the Examination - which in itself would be a concession

KKN
6/1/11

There was some justification for the rule when the period of probation was only one year - But now it is extended to 2 & 3 years

KKN
6/1/11

(A) I agree with the 1st Cr. The order need contain only (c).

7/1/11 Dewan

9755.

17.1.11 (A) Agree

13/1/11

G 12 B—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

File No. of 19

Serial No.

Draft revised to agree with views of Councillors and Dewan. May it be issued.

CSB 24/2/11

10300 24.2.11

Dewan

Approved 24/2/11

Issued by 2/3/11 pm

32 To the Comptroller, Heads of Depts & DC's of Dts. No. G 5705-52 dt 7.3.11.

Modifies in certain respects the rule for regulating the confirmation of Prob^y Asst Commrs of Schedule B — now Schedule A — as laid down in G.O. No. 2957-9/R 958, dated 9th Oct. 1900.

B.

NOTE — Contn. sheet.

GPB—50,000—12-8-10

C.163
4.1.1911

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Amendment of the G.O. of the 9th October 1900 providing for regulating the Confirmation of Probationary Assistant Commissioners.

CIRCULATED TO COUNCILLORS.

By Order,

C S Balasundaramayyar
Secretary to Government.

4. 1. 1911.

K. P. Puttanna Chetty, Esq.,
First Councillor.

C.94 H. V. Nanjundayya, Esq., M.A., M.L.,
Second Councillor.

GPB—500—7-1-10

G.R.S. 15]

Facing sheet for Cases included in the schedule appended to Notification No. 36 of the 8th. Aug. 1902.

GENERAL AND REVENUE SECRETARIAT.

Subject— Amendment of the G.O. of the 9th October 1900 providing for regulating the confirmation of Probationary asst Comrs.

	Date	Initial of Officer himself or responsible Deputy
Received in the Secretariat	-	
Submitted to Secretary	-	
Submitted by Secretary to Dewan or Councillor in charge	-	
Returned to Secretary	-	
Circulated by Secretary for Council	4. 1. 1911.	
Forwarded by 2d Councillor		
Forwarded by Councillor		
Received in Secretariat		
Considered in Council		
Submitted to the Dewan		
Submitted to His Highness		
Orders passed by His Highness		
Final Orders issued		
Circulated to Councillors		
Passed on by the Councillor		
Returned to Secretary by Councillor.		

GPB—1,000—13-10-09

Comptroller's Office, Bangalore.

Dated the 25/30 July 1910.

From

S. Shamanna Esq, B.A.,

Probationary Assistant Commissioner,

Comptroller's Office, Bangalore.

To

C.S. Balasundaram Iyer Esq, B.A.,

Offg: Secretary to the Government of Mysore,

General and Revenue Departments.

(Through the Comptroller)

Sir,

Having joined the service more than two years ago Viz., on the 19th December 1907 and having passed all the Departmental and other Examinations prescribed in Government Order No. G.8140/G.M.12-06-69 dated the 27th June 1907, I beg to state that I may be confirmed as an Assistant Commissioner, Vth Class with effect from December last by which time I completed two years' Service, or if that is not possible at least with effect from the 23rd May 1910, the date of the last of the obligatory examinations attended by me.

2. The importance of the date of confirmation, so far as I am concerned, cannot be exaggerated for on it will depend my relative rank and future promotions as well. As there is no express ruling of the Government to decide the date from which I ought to be confirmed, I may be permitted to enter into that question in detail, craving only that the Government will view with sympathy and treat with indulgence this matter which, though of little importance to Government, is fraught with grave consequences to me.

3. Appended below is a statement showing the dates of the obligatory examinations I attended:-

Date of Appointment 14th December 1907.

Month and Year	Examinations attended	Results of Examinations.
August 1908	Special Examination in Registration	Successful
November 1908 ...	Revenue, Criminal - ... Civil Part I	do -
May 1909	Civil Part II .....Not Successful	
May 1910	Civil Part II	Successful.

Kanarese Examination passed in 1908.

Equitation Certificate sent to the General and Revenue Secretary about the 27th July 1908.

Para 14 of Government Order No.G.3140/G.M.12-06-6 dated the 27th June 1907 is to the effect that "on becoming fully qualified as above a Probationary Assistant Commissioner will be confirmed " and as I have now become fully qualified, I am entitled to be confirmed and " Prima Facie " the date from which the confirmation will take effect will be the date of the last of the Obligatory Examinations passed by me.

4. But I have to bring to your notice that the Mysore Local Service Examinations which a Probationer has to pass within the period of probation are held only once a year and the month in which they are held bears no sort of relation to the date from which the period of probation begins. Under this system the Mysore Local Service Examinations might happen to come off within two or three months after the date of appointment, placing the Probationer in a sort of dilemma - for if he presented himself for Examination then, the chances of success would be small indeed, the time for preparation being too inadequate but if he missed that opportunity the next one would not present itself for a year to come by which time the period of probation might have terminated. It was no doubt to provide for such contingencies, that under the old Civil Service Rules(Which had only one year's probation) it was laid down that if the Mysore Local Service Examinations happened to fall within six months

from the date of appointment, such opportunity should not be taken into account to the prejudice of the Probationer but that it must be ignored so that on the Probationer's passing the Examinations at the next opportunity open to him, even though it happened to fall beyond the year of probation, he was deemed to have qualified himself within the year of probation and confirmed accordingly. Under the New Civil Service Rules, the period of probation is extended to two years apparently with the object of giving the Probationers not only two opportunities for passing but also two years for preparing for the Examinations, which had by this time increased in number and severity but a rule corresponding to the old rule has not been laid down because there has been so far no necessity to apply it. To allow a Probationer the full benefit of the two years' study, it is necessary that the Local Service Examinations should be held just about the end of the two years of probation for otherwise he would not be able to utilise that part of the Probationary period which might fall subsequent to the date of the Examinations. In the years 1906, 1907 and 1908 it so happened - whether by accident or design, I cannot say-that the Civil Service Examination and the Local Service Examinations were both held in the month of November, thereby allowing the Probationer the full benefit of the two years. But all of a sudden it was ruled that with effect from the year 1909, the Local Service Examinations should be held in May instead of in November and I was the first person to be affected prejudicially by this rule as instead of getting two years for preparation like the Probationers before me, I got only a year and five months(from December 1907 to May 1909) in which to study and was deprived of the benefit of the study for the other seven months upon which I was counting. I have ,therefore, to urge that on the analogy of the ruling(referred to above) relating to the Probationers appointed under the old rules, it may be held that as I was entitled to two years' probation and as the second opportunity for qualifying fell within

~~less than~~ a year and half from the date of appointment, such opportunity should not be reckoned to my prejudice but that on my passing the Examinations at the next opportunity open to me (which I have done) I may be deemed to have qualified myself within the prescribed two years and confirmed accordingly with effect from December last.

5. Another point which I desire to urge is that when in May 1909 I was declared unsuccessful in the Examination in Civil Part II, I had still seven months of my period of probation which was more than ample for preparing and successfully attending this Examination which was the only one standing in the way of my confirmation but in spite of my eagerness and anxiety I could not qualify myself in time because there was no opportunity for my doing ^so during these seven months, as under the system of annual examinations prevailing here, the next examination was held only after the lapse of one year. If the Examinations had been held more frequently, say once in six months or so, as is done in British India in certain departments to afford opportunities of passing to Probationers who are ready to submit themselves to be examined, I would have qualified myself in such time. To people at large it matters little whether the Mysore Local Service Examinations are held in May or in November or once a year or twice a year. But for a Probationer who is required to pass them within a <u>fixed period from a fixed date,</u> the frequency and date of Examinations are of the paramount importance and I cannot help thinking that it is a very harsh measure to defer the date of confirmation, when failure, in an Examination once, means enforced waiting for one full year while in a fraction of that period one could prepare and successfully pass the Examination. As the Government did not give me an opportunity of passing the ~~Local Service~~ Examinations ^in Civil Part-II during the last seven months of my period of probation, thereby in effect cutting down the time allowed me for qualifying myself from two years to one year and five months, I have to urge that

I may be confirmed with effect from December last when I com-pleted two years' service.

6. In the Government Order to which I have already referred, it is stated that when a Probationer fails to qualify himself within the two years he will be given a year's grace in which to pass the Examinations. It is not therein stated that any penalty should attach to one who passes the Examinations within the year of grace or that in such a case the date of confirmation should be later than what it would have been if the Examinations had been passed within the two years. On the other hand one is led to think that the year of grace was intended merely to give greater time for passing the Examinations and that it had nothing at all to do with the date of confirmation. To be a year of grace not only in letter but also in spirit it is necessary that no penalty should attach to passing in that year and confirmation should be from the date from which it would have been if the Examinations had been passed in the prescribed period. To the objection that confirmation takes place only from the date of passing the Examinations, I have to state that Government do not insist upon the observance of this rule in the case of a Probationer passing all the Examinations in one year who is confirmed not from the date of passing the Examinations but from two years of his date of appointment. As this shows that confirmation is not always from the date of Examinations and as a person passing in the year of grace should not be made to suffer on that account, I have to request that I may be confirmed with effect from December last.

7. In conclusion, I have to state that under the old Civil Service Rules when Probationers appointed after passing the Civil Service Examinations were given rapid promotion and allowed to reach the maximum in six years while other Assistant Commissioners could reach it only in twelve years, a difference of six months in the date of confirmation would not have affected the

relative rank of a Probationer who had passed the Civil Service Examination. But under the new rules all Assistant Commissioners whether they have passed the Civil Service Examination or not, are classed alike and given the same increments and a difference of even a few months in the date of confirmation is likely to affect the relative rank etc, of a Probationer. As my case was the first of its kind under the new rules and as a similar question might crop up in the case of Probationers appointed subsequent to my entertainment, I have taken the liberty of writing at length in the matter hoping that Government will view it with favourable eyes.

I beg to remain,

Sir,

Your most obedient servant,

S. Shamanna

Probationary Assistant Commissioner
Comptroller's Office.

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

Notification G. 2785

G.M. 25-10-16.
& 10.11.10.

Mr. S. Shamanna B.A.,
Probationary Assistant Comr.
attached to the Comptroller's
Office is confirmed as an
Assistant Comr. of the 5th class,
Schedule A, with effect from
the 23rd May 1910.

BO

CSB

87/11/10 Dy Offg Secy

To

The Compiler, Mysore Gazette,
for publication

Memo No. G. 2786 & 10.11.10.

Copy of the above is
forwarded to the Comptroller
with reference to his endorsement
No. R-41 dated the 30th July 1910

BO

CSB

87/11/10 Dy Offg Secy

Draft
29/11/32

2/12/32. 2 pm

Proceedings of the Government of
H.H. the Maharaja of Mysore.

Read:-

G. O. No.2951-9/R.958 dated 9th October 1900 laying down a rule for regulating the confirmation of Probationary Assistant Commissioners of ~~the then~~ Schedule B ~~(now Schedule A)~~.

Order thereon No. G 5105-52
Gen. 25-10-32

Dated Bangalore, ~~December~~ 7th March 1911.
~~1910~~.

In order to meet cases arising under the present Civil Service Rules Government are pleased to modify in certain respects the rule laid down in the Government order read above. The rule as ~~modified~~ amended will run as follows:-

(a) "Probationary Assistant Commissioners, who qualify themselves fully by passing the prescribed tests during the period of probation, ~~the first opportunity open to them for doing so not occurring less than six months from the date of their appointment~~ will be confirmed

4

as Assistant Commissioners 5th class with effect from the date of the expiry of the term of probation calculated from the date of their appointment; and

(b) in cases where the first opportunity to pass the prescribed tests occurred less than 6 months from the date of their appointment, but where the tests are completed at the first opportunity after the expiry of 2 years in the case of Probationary Assistant Commissioners of Schedule A or of 3 years in the case of Probationary Assistant Commissioners of Schedule B from the date of appointment, the confirmation will take effect from the date of the expiry of the term of probation calculated from the date of appointment; and

(c) in cases where the officers concerned do not qualify themselves before the expiry of the term of probation but do so during the period of grace confirmation will

Omit parenthetical marks.

will have effect from the date of the last of the prescribed examinations passed by them.

Print.

Offg. Secretary to Govt.

To

The Comptroller to the Govt. of Mysore.

The Heads of Departments.

Deputy Commrs. of Districts.

1910-11

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

GENERAL (MISCELLANEOUS)

PROCEEDINGS

Dated 7th March 1911

No. G. 5105-52
G. M. 25-10-32

Modifies in certain respects the rule for regulating the confirmation of Probationary Assistant Commissioners of Schedule B, now Schedule A, as laid down in Government Order No. 2951-9—R. 958, dated the 9th October 1900.

GPE—18-3-11—CCO

Proceedings of the Government of His Highness the Maharaja of Mysore, General (Miscellaneous), dated 7th March 1911.

READ—

Government Order No. 2951-9—R. 958, dated 9th October 1900, laying down a rule for regulating the confirmation of Probationary Assistant Commissioners of the then Schedule B now Schedule A.

No. G. 5105-52—G. M. 25-10-32, DATED BANGALORE, 7TH MARCH 1911.

ORDER THEREON.—In order to meet cases arising under the present Civil Service Rules, Government are pleased to modify in certain respects the rule laid down in the Government Order read above. The rule as amended will run as follows:—

(*a*) "Probationary Assistant Commissioners, who qualify themselves fully by passing the prescribed tests during the period of probation, will be confirmed as Assistant Commissioners, 5th Class, with effect from the date of the expiry of the term of probation calculated from the date of their appointment; and

(*b*) in cases where the officers concerned do not qualify themselves before the expiry of the term of probation but do so during the period of grace, confirmation will have effect from the date of the last of the prescribed examinations passed by them."

C. S. BALASUNDARAM IYER,
Offg. Secy. to Govt., Gen. & Rev. Depts.

To—The Comptroller, Mysore Government.
The Heads of Departments.
The Deputy Commissioners of Districts.